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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Morgan Perry

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EXAMINER

DAGNEW, SABA

ART UNIT

PAPER NUMBER

3688

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,553	Applicant(s) PERRY, MORGAN	
	Examiner SABA DAGNEW	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on December 20, 2007.
2. Claims 1, 6 and 16 have been amended.
3. Claim 9 has been canceled.
4. New claims 21-24 have been added.
5. Claims 1-8 and 10-24 are currently pending and have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 14-18 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Son (2003/0046281 A1).

With respect to claims 1, 6 and 16, Son teaches a method of distributing Internet advertisements to users, each associated with a unique identifier, the method comprising:

providing a “search history of other users” (***paragraph [0085]***), which reads on an advertisement (***paragraphs [0104]-[0112], especially [0106]***: *an “advertisement” is any promotion, and Son teaches that the saved searches promote content to others*

who re-use those searches to find the content);

associating a web search term (“conditions of a search”, **paragraph [0088]**) with the search history/advertisement (**paragraph [0089]** and **Fig. 9**);

collecting search terms (the search history, **paragraph [0089]**) employed by a user at a search facility;

in response to the user visiting a publisher web site (which is interpreted as a source of content) at a time subsequent to the association of the web search term with the advertisement (**Fig. 7**), determining if the user has employed the search term (“enters conditions of a search”, **paragraph [0088]** and **Fig. 8**); and

if the user has employed the search term, then serving the search history/advertisement to the user (**paragraph [0089]**).

For claim 6, the search history/advertisement reads on “advertising strategy”. For claim 16, Son also teaches storing the search terms and unique identifiers in a database, with each identifier associated with the search terms employed by the associated user **paragraph [0091]**).

With respect to claim 2, Son teaches all elements of claim 1. Furthermore, Son teaches a method including storing in a database the search terms used by each user in association with the unique identifiers of each user (**paragraph [0059]**)

With respect to claim 3, Son teaches all elements of claim 1. Furthermore, Son teaches the method wherein determining if the user has employed the search term (**paragraph [0088]**) includes collecting the user unique identifier in response to the

user visiting the publisher web site (**paragraph [0053]**), and querying the database for information about the search terms employed by the user (**paragraph [0055]**).

With respect to claim 4, Son teaches all elements to claim 1. Furthermore, Son teaches the method including providing a plurality of searches/advertisements, each having different associated search term (**paragraph. [0090]**).

With the respect to claim 5, Son teaches all elements of claim 1. Furthermore, Son teaches the method including providing a plurality of different database, each containing a plurality of unique identifier and each database associate with a different advertisement (**paragraph [0116], lines 1-14**).

With respect to claim 7, Son teaches all elements of claim 6. Furthermore, Son teaches the method wherein collecting a unique identifier associated with each user (**paragraphs [0051]-[0054]**).

With respect to claim 8, Son teaches all elements of claim 6. Furthermore, Son teaches the method wherein a collecting search term includes collecting combinations of multiple search terms (**paragraph [0055] and paragraph [0089]**).

With respect to claim 10, Son teaches all elements of claim 6. Furthermore, Son teaches the method wherein assigning each user to an advertising strategy occurs before the user visits the publisher web site (**paragraphs [0060]**, where “publisher web site” is interpreted as the site where content is obtained).

With respect to claim 14, Son teaches all elements of claim 6. Furthermore, Son teaches a method wherein assigning each user to an advertising strategy includes

assigning at least some of the users to a strategy of serving no advertisement
(paragraph [0105], teaches user is a viewer or purchaser).

Claim 15 is taught inherently because enacting/serving/executing cannot be at the same instant as searching.

With respect to claim 17, Son teaches the entire limitation of claim 17 in claim 8, which had been rejected above. Therefore, the same rejection applied to claim 17.

With respect to claim 18, Son teaches the entire limitation of claim 18 in claims 10, which had been rejected above. Therefore, the same rejection applied to claim 18.

(New) With respect to claims 21 and 23, Son teaches all elements of claims 1 and 6. Furthermore, Son teaches the method wherein collecting search terms comprises collecting a history of queries the user has submitted to the search facility over a predetermined length of time **(paragraph [0059], which inherently teaches search history data stored in the storage 33, in Fig. 1, over predetermined length).**

(New) With respect to claims 22 and 24, Son teaches all elements of claims 1 and 6. Furthermore, Son teaches the method wherein collecting search terms comprises collecting a history of queries the user has submitted to search facility **(paragraph [0059], which inherently teaches search history stored in the storage 33, of “central server” reads on search facility and Fig. 1).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3688

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Son (2003/0046281 A1).

With respect to claims 11 and 19 Son does not teach that none of the selected searches/ads are "served". However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, that a subsequent user might not like the selected search/ad, and would therefore not execute it, said execution reading on "served".

Son teaches claim 12 when a user decides to write and execute/serve their own search/ad rather than execute/serve a saved search/ad.

Son does not explicitly teach (claims 13 and 20) serving no ad if the search terms do not relate to one of a collection of selected ads. However, that is inherent when there is no result to execute because the search terms do not produce a result/ad, which reads on serving no ad.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3688

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Patent Number 2002/0002552 to Schultz et al. teaches Method and Apparatus for a GIS based search Engine utilizing real time advertising.

U.S. Patent Number 2002/0072970 to Miller et al. Method and apparatus for linking consumer product interest with product suppliers.

U.S Publication Number 2004/024909 to Donovan et al. teaches Method and System for Dynamic Textual Ad Distribution via e-mail.

U.S. Publication Number 2002/0152126 to Lieu et al. teaches Token- Based system for providing information to users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SABA DAGNEW whose telephone number is (571)270-3271. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D. /
Examiner, Art Unit 3688

/Donald L. Champagne/
Primary Examiner, Art Unit 3688